

Title	Simplified Domestic Violence Forms (revise 1296.15, 1296.31A, FL-800, FL-800A, FL-810, FL-820, FL-830, FL-835, FL-840, MC-150; adopt FL-801, FL-851, FL-852, FL-853, FL-854, FL-855, FL-856, FL-857, FL-858, FL-859, FL-860, FL-861, FL-890, FL-895, FL-896; revoke 1296.31A(1).
Summary	The proposed forms would improve the ease of completion and enforcement of domestic violence restraining orders by eliminating duplicative requests for information, improving readability, and clarifying which forms are orders.
Source	Family and Juvenile Law Advisory Committee
Staff	Tamara B. Abrams, 415-865-7712
Discussion	<p>The proposed forms were developed in response to requests for simpler, easier-to-understand domestic violence protective orders. None of the proposed changes are statutorily mandated. Staff seeks public comment on (1) the formatting and stylistic changes, (2) the inclusion of spousal support, (3) the orders allowing peaceful contact for child visitation and in dissolution or other cases, (4) the elimination of debt payment orders on the <i>Temporary Restraining Order</i>, and (5) the elimination of the law enforcement delivery order.</p> <p>The proposed forms are intended to be easier for self-represented litigants to complete by (1) eliminating repetitive requests for the same information throughout the forms, (2) reducing the number of embedded boxes, (3) using more white space and headings, and (4) eliminating the instructional material from the forms (moving it to separately marked information pages) to make the forms look cleaner and easier to read.</p> <p>Spousal support was added to allow litigants to obtain spousal support orders without filing a separate motion. In many counties, litigants must currently file a separate <i>Order to Show Cause</i> for spousal support when requesting domestic violence protective orders because spousal support is not specifically listed as a remedy in the Domestic Violence Prevention Act, available without a filing fee. The request will entail a filing fee and litigants are notified accordingly.</p> <p>Form 1296.15, <i>Application and Order for Reissuance of Order to Show Cause</i>, would be revised to eliminate the law enforcement delivery instructions.</p> <p>Form 1296.31A, <i>Child Custody and Visitation Order Attachment</i>,</p>

would be revised to shorten and simplify the list of possible visitation schedules.

Form 1296.31A(1), *Supervised Visitation Order*, would be revoked. All necessary information was moved from this form to Form 1296.31A.

Form FL-800, *Application for Order*, would be revised to (1) clarify the relationship of the person seeking the order to the other protected persons, (2) simplify the description of the relationship between the protected and restrained person, (3) clarify the conditions under which the restrained person can have contact with the protected person, (4) delete the accounting section of the property restraint, (5) eliminate the provision for delivery of protective order to law enforcement, and (6) add a provision to determine the location of the restrained person.

Form FL-800A, *Child Custody, Visitation, and Child Support Attachment to Application for Order*, would be revised to (1) add a provision indicating whether the requested orders would be modifying any existing orders and (2) shorten and simplify the list of possible visitation schedules.

Form FL-801, *Declaration*, would be adopted as an optional form to guide litigants through the facts generally sought by the court when determining whether to issue protective orders.

Form FL-810, *Order to Show Cause and Temporary Restraining Order*, would be revised to (1) delete the “Type of Action” provision in the caption, (2) make the listing of the protective orders consistent with the *Application for Order*, (3) clarify the conditions under which the restrained person can have contact with the protected person, (4) clarify that the issuance of the order prevents the ownership or possession of firearms, (5) delete the debt payment provision, and (6) reference the new instructions for law enforcement officers.

Form FL-820, *Responsive Declaration to Order to Show Cause*, would be revised to delete the “Petitioner” and “Respondent” designations.

Form FL-830, *Restraining Order After Hearing*, would be revised to (1) clarify the expiration date of the orders, (2) provide space for the court to order a review date, (3) make the listing of the protective orders consistent with the *Application for Order*, and (4) clarify the conditions under which the restrained person can have contact with the protected

person.

Form FL-835, *Domestic Violence Miscellaneous Orders*, would be revised to (1) eliminate duplicative counseling orders, (2) include a property restraint order, and (3) change the formatting.

Form FL-840, *Proof of Service*, would be revised to eliminate the “Petitioner” and “Respondent” designations.

Form FL-851, *Checklist for Temporary Restraining Order*, would be adopted to provide a simple checklist for litigants to follow when determining the forms they need.

Form FL-852, *What Is A Restraining Order? Information For Person Applying for Order*, would be adopted to explain to litigants what a restraining order is and what it does.

Form FL-853, *What Do I Do After I Complete the Forms?*, would be adopted to explain how to file the forms.

Form FL-854, *What Is Proof of Service?*, would be adopted to explain the specific requirements of personal service.

Form FL-855, *What to Expect at the Restraining Order Hearing (For Protected Person Seeking Order)*, would be adopted to explain to litigants what to expect at the restraining order hearing.

Form FL-856, *Enforcing the Restraining Order*, would be adopted to explain to litigants how to ensure that the court order is properly enforced.

Form FL-857, *Information and Instructions for the Restrained Person*, would be adopted to explain to litigants what to do when they are served with restraining orders.

Form FL-858, *What to Expect at the Restraining Order Hearing (For Person Responding to Order)*, would be adopted to explain to litigants what to expect at the restraining order hearing.

Form FL-859, *Information About the Reissuance of Order to Show Cause*, would be adopted to explain the function of the reissuance.

FL-860, *Checklist for Restraining Order After Hearing*, would be adopted to explain to litigants what forms they need.

Form FL-861, *Which Financial Form?*, would be adopted to explain to litigants how to choose between the *Financial Statement* and the *Income and Expense Declaration*.

Form FL-890, *Application and Order for Renewal of Restraining Order*, would be adopted to allow litigants to easily request and obtain a hearing for a renewal of restraining orders pursuant to Family Code section 6345.

Form FL-895, *Proof of Surrender or Sale of Firearms*, would be adopted to allow litigants a uniform way to notify the court that they have complied with the firearm relinquishment order.

Form FL-896, *Instructions for Law Enforcement on Enforcing Domestic Violence Restraining Orders*, would be adopted to provide accurate instructions to law enforcement officers regarding the enforcement of the orders.

Form MC-150, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*, would be revised to simplify the format.

Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name and Address</i>): _____ ATTORNEY FOR (<i>Name</i>): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	TELEPHONE NO.:	FOR COURT USE ONLY CASE NUMBER:
PROTECTED PERSON: RESTRAINED PERSON:		
APPLICATION AND ORDER FOR REISSUANCE OF ORDER TO SHOW CAUSE (Family Law — Domestic Violence Prevention — Uniform Parentage)		

1. Plaintiff requests that the court reissue the Order To Show Cause and Temporary Restraining Order originally issued as follows:
 - a. Order To Show Cause was issued on (*date*):
 - b. Order To Show Cause was last set for hearing on (*date*):
 - c. Order To Show Cause has been reissued previously (*number of times*):
2. Plaintiff requests reissuance of the order because:
 - a. ☐ Restrained person was unable to be served as required before the hearing date.
 - b. ☐ The hearing was continued because the parties were referred to court mediators, conciliation court, or family court services.
 - c. ☐ Other (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME)

(SIGNATURE)


ORDER

3. The *Order To Show Cause* issued as shown in item 1 above is reissued and reset for hearing in this court as follows:

Date:	Time:	Dept.:	Rm.:
Name and address of court: <input type="checkbox"/> same as listed above <input type="checkbox"/> other (<i>specify</i>):			

- a. A copy of this order shall be attached to documents to be served on the restrained person, as directed in the *Order To Show Cause*, and shall also be served on the restrained person.
- b. All other orders contained in the Order To Show Cause remain in full force and effect unless modified by this order. **THE ORDER TO SHOW CAUSE AND THIS ORDER EXPIRE ON THE DATE AND TIME OF THE HEARING SHOWN IN THE BOX ABOVE UNLESS EXTENDED BY THE COURT.**

Date:



 JUDGE OF THE SUPERIOR COURT

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a copy of the foregoing was mailed first class, postage prepaid, in a sealed envelope addressed as shown in the Order To Show Cause and that the foregoing was mailed and this certificate was executed at

(*place*): _____, California,

on (*date*): _____ Clerk, by _____, Deputy

PETITIONER:	CASE NUMBER:
RESPONDENT:	

CHILD CUSTODY AND VISITATION ORDER ATTACHMENT
(THIS IS A COURT ORDER)

Attachment to ☐ Findings and Order After Hearing ☐ Judgment ☐ Restraining Order After Hearing (CLETS)
☐ Order to Show Cause and Temporary Restraining Order (CLETS) ☐ Other

1. ☐ **CUSTODY** Custody of the minor children of the parties is awarded as follows:
Child's name Child's birth date Legal custody to (name) Physical custody to (name)

2. ☐ **VISITATION**

- a. ☐ No visitation to the person without physical custody.
- b. ☐ Reasonable right of visitation to the person without physical custody (*not available in domestic violence cases*).
- c. ☐ As listed in the attached custody and visitation agreement, recommendation, or schedule consisting of (number): _____ of pages.
- d. ☐ The parties are referred to court-affiliated mediation. The address and telephone number are (*specify*): _____
- e. ☐ Until further court order, specific visitation to the person without physical custody as follows:
- (1) ☐ **WEEKENDS** (*write starting date*): _____
Note: the first weekend of the month is the first weekend with a Saturday.
☐ First weekend of the month ☐ Second weekend of the month
☐ Fourth weekend of the month ☐ Fifth weekend of the month ☐ Third weekend of the month
from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day) (time) (day) (time)
- (2) ☐ **WEEKDAYS** (*write starting date*): _____ (time)
from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day) (time) (day) (time)
- (3) ☐ **OTHER VISITATION** (*specify day(s) and time(s) as well as any additional restrictions*):
Warning: law enforcement needs specific days and times of visits. Additional orders on attached pages must have "Item 2 Visitation" written at the top.

3. ☐ **SUPERVISED VISITATION** The visitation schedule set forth in item 2 above shall be supervised by (*name and telephone number of person or agency*): _____

☐ Costs for supervision shall be paid as follows: Mother: _____% Father: _____%

4. ☐ **TRANSPORTATION FOR VISITATION AND PLACE OF EXCHANGE**

- a. ☐ Transportation to the visits shall be arranged by ☐ Mother ☐ Father ☐ Other
- b. ☐ Transportation from the visits shall be arranged by ☐ Mother ☐ Father ☐ Other
- c. ☐ The exchange of the children shall occur at (*specify address*): _____
- d. ☐ Other (*specify*): _____

5. **NO DRUG USE**

Neither parent shall consume any narcotic or restricted dangerous drug except upon prescription within _____ hours prior to or during the exercise of custody or visitation.

6. **THE MINOR CHILDREN SHALL NOT BE REMOVED**

- a. from the State of California
- b. ☐ other (*specify*): _____
without the written consent of the other parent, legal guardian, or order of court, except as specified in this order.

7. ☐ **OTHER ORDERS**

☐ See attachment item 7. Additional orders on attached pages must have "Attachment, Item 7" written at the top.

Page ____ of ____

<u>Name</u>	<u>Age</u>	<u>Household member?</u>	<u>Relationship to Person Seeking Order</u>
Person to be protected		Yes	Self
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Sex: ☐ M ☐ F Ht.: Wt.: Hair Color: _____ Eye Color: _____ Race: Age: Date of Birth:

<u>Court/Location</u>	<u>Type of Case</u>	<u>Case #</u>
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a. ☐ are now married or used to be married. If divorced, list county, state, and date:

b. ☐ are related to each other by blood, marriage, or adoption (*specify relationship*):

d. ☐ live together.

c. ☐ used to live together.

e. ☐ dated or were engaged to be married.

Family Code, § 6200 et seq.

PERSON SEEKING ORDER (name): PERSON TO BE RESTRAINED (name):	CASE NUMBER:
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4. f. ☐ are parents together of a minor child as listed below.

<u>Child's Name</u>	<u>Birth Date</u>
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- (1) ☐ We have signed a *Voluntary Declaration of Paternity* regarding the child. (Attach if available.)
- (2) ☐ Paternity has been legally established by (case number):

5. ☐ **CHILD CUSTODY, VISITATION AND CHILD SUPPORT**

I ask the court to make orders for child custody, visitation and child support as listed on the attached *Child Custody, Visitation and Support Attachment to Application* (form FL-800A). (You must also attach a Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form MC-150)).

6. ☐ **PERSONAL CONDUCT ORDER**

I ask the court to order the restrained person not to contact (*directly or indirectly*), telephone, send any messages to, molest, harass, attack, strike, threaten, assault (*sexually or otherwise*), batter, follow, stalk, destroy the personal property of, disturb the peace of, keep under surveillance, or block movements of the protected persons listed above in item 1.

7. ☐ **MOVE OUT ORDER**

- a. I ask the court to order the restrained person to move ☐ immediately ☐ after the hearing from and not return to (address):

I have the right to live at the above address because (*describe reason*):

- b. I ask the court to order (*at the hearing*) the exact date and time the restrained person may pick up the remainder of his/her personal property from the residence.

8. ☐ **STAY-AWAY ORDER**

- a. I ask the court to order the restrained person to stay at least (*specify*) _____ yards away from the following persons and places:

- a. ☐ Myself
- b. ☐ The other protected persons listed in item 1
- c. ☐ My residence
- d. ☐ My place of work
- e. ☐ The children's school or place of child care
- f. ☐ My vehicle
- g. ☐ Other (*specify*):

9. If the restrained person is ordered to stay away from all the places requested in item 8, will the restrained person still be able to get to his or her residence, school, place of employment, or place of worship? ☐ Yes ☐ No (*If no, explain*):

(THIS IS NOT AN ORDER)

(Continued on page three)

PERSON SEEKING ORDER (name):	CASE NUMBER:
PERSON TO BE RESTRAINED (name):	

10. ☐ **PEACEFUL CONTACT FOR COURT ORDERED VISITATION**
I ask the court to permit the restrained person to have peaceful contact with the protected person(s) listed in item 1, which is directly related to *court ordered* custody/visitation of the minor child(ren).
11. ☐ **WRITTEN CONTACT FOR ONGOING CASE**
I ask the court to permit the restrained person to have peaceful written contact with the protected person through the United States Postal Service, which is directly related to a proceeding for dissolution, legal separation, nullity of marriage or other court case.
12. ☐ **RECORDING OF PROHIBITED COMMUNICATIONS**
I request the right to record any prohibited communications made to me by the restrained person.
13. ☐ **PROPERTY CONTROL**
I ask that I be given the exclusive temporary use, possession, and control of the following property we own or are buying (*specify*):
14. ☐ **DEBT PAYMENT**
I ask that the restrained person be ordered to make the following payments on debts due while the order is in effect (*please explain in your Declaration at item 24*):
- | <u>Debt/Bill</u> | <u>Amount of payment</u> | <u>Pay to</u> | <u>Due Date</u> |
|------------------|--------------------------|---------------|-----------------|
| | | | |
15. ☐ **PROPERTY RESTRAINT**
I am married to the restrained person and ask that he or she be restrained from transferring, borrowing against, selling, hiding, or in any way disposing of any real or personal property, except in the usual course of business or for necessities of life.
16. ☐ **SPOUSAL SUPPORT**
I request a spousal support order. I have already filed or am currently filing a dissolution, legal separation or nullity of marriage case. (*Note: write the other case information in item three on page one of this form. You must file a completed Income and Expense Declaration (form 1285.50) if you want spousal support. The court may charge a filing fee for a Spousal Support request. You may file an Application for Waiver of Court Fees and Costs (form 982(a)(17)) if you cannot afford the fee.*)
17. ☐ **ATTORNEY FEES AND COSTS** (*You must attach a completed Income and Expense Declaration (form 1285.50) to ask for this order.*)
I ask that some or all of my attorney fees and costs be paid by the restrained person as follows:
18. ☐ **RESTITUTION**
I ask that the restrained person be ordered to pay the following lost earnings or other actual expenses or costs of services caused directly by the restrained person (*including expenses for damaged property, medical care, counseling and temporary housing; you must provide documentation to the court at the hearing*):

(THIS IS NOT AN ORDER)

(Continued on page four)

PERSON SEEKING ORDER (name): PERSON TO BE RESTRAINED (name):	CASE NUMBER:
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19. ☐ **BATTERER'S COUNSELING**
 I ask the court to order the restrained person to complete an approved batterer's counseling program and show proof of completion to the court.
20. ☐ **WAIVER OF FEES FOR SERVICE BY LAW ENFORCEMENT**
 I request a court order waiving the fees payable to a law enforcement agency for serving restraining orders. *(If you want this order, you may need to complete and file an Application for Waiver of Court Fees and Costs [form 982(a)(17)]. Ask the court clerk whether a fee waiver is required in your county.)*
21. ☐ **SHORTENED TIME FOR SERVICE OF ORDERS**
 I ask that time for service of the **Order to Show Cause** and accompanying papers be shortened so that they may be served no less than (specify number): _____ days before the date set for the hearing. I need this process shortened because of the facts contained in this application. *(Add additional facts if necessary):*
22. ☐ **LOCATION OF PERSON TO BE RESTRAINED**
 a. Is the restrained person currently in jail or prison? ☐ Yes ☐ No ☐ I don't know
 b. Home address (if known):
 c. Work address (if known):
23. **FIREARM RELINQUISHMENT**
 I request that the restrained person sell or give up any firearms that he or she has or controls for a period not to exceed the duration of the restraining order. *(Please describe any use of or threatened use of firearms in your Declaration at item 24.)*
24. **DESCRIPTION OF CONDUCT**
Describe in detail the most recent incidents of abuse. List each incident separately by date. Describe the incident, including who did what to whom, whether any firearms or other weapons were used or threatened, and any injuries. Describe any history of abuse.
☐ Additional pages attached. You may attach pages to this application if you need more space to write. You can use the *Additional Page* (form MC-020), or another sheet of paper and write "Declaration Item 24" at the top.
25. ☐ **OTHER ORDERS** *(specify other orders you request to help carry out the orders previously requested):*

PLEASE NOTE THAT ALL ORDERS ISSUED BY THE COURT, AS WELL AS THIS APPLICATION AND DECLARATION, MUST BE PERSONALLY SERVED ON THE RESTRAINED PERSON. NO PERSON TO BE PROTECTED, INCLUDING YOURSELF, MAY PERSONALLY SERVE THE ORDER.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: _____

_____ (TYPE OR PRINT NAME)	<div style="text-align: right;">▶</div> _____ (SIGNATURE OF PARTY SEEKING RESTRAINING ORDER)
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PERSON SEEKING ORDER:	CASE NUMBER:
PERSON TO BE RESTRAINED:	

**CHILD CUSTODY, VISITATION, AND CHILD SUPPORT ATTACHMENT
TO APPLICATION FOR ORDER (Domestic Violence Prevention)
(THIS IS NOT AN ORDER)**

1. ☐ **MODIFICATION OF CUSTODY, VISITATION, OR SUPPORT ORDERS**

The orders I want will change a current child custody, visitation, or support order. A copy of the other child custody, visitation order, or support order is attached (if available). (NOTE: List the reasons for the change in your Declaration in item 24 of the Application for Order, form FL-800).

2. ☐ **CHILD CUSTODY** I request custody orders as follows:

Child's name

Birth date

Custody to (name)

3. ☐ **CHILD VISITATION** I request that the restrained person have the following temporary visitation rights:

a. ☐ No visitation until the hearing ☐ No visitation after the hearing

b. ☐ Until further court order, specific visitation as follows (check as many as apply):

(1) ☐ **WEEKENDS** (write starting date): _____

Note: the first weekend of the month is the first weekend with a Saturday.

☐ First weekend of the month ☐ Second weekend of the month ☐ Third weekend of the month
☐ Fourth weekend of the month ☐ Fifth weekend of the month

from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time) (day of week) (time)

(2) ☐ **WEEKDAYS** (write starting date): _____

from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time) (day of week) (time)

c. ☐ **OTHER VISITATION** (specify day(s) and time(s) as well as any additional restrictions):

(You may attach pages to this application if you need more space to write. Use the Additional Page (form MC-020) or another sheet of paper and write "Visitation - Attachment 3(c)" at the top of each page.)

4. ☐ **SUPERVISED VISITATION**

a. I request that the restrained person have supervised visitation with the minor children according to the above schedule. The supervisor should be (name and telephone number of person or agency):

b. I request that the costs for supervision be paid as follows: Mother: _____ %, Father: _____ %

5. ☐ **TRANSPORTATION FOR VISITATION AND PLACE OF EXCHANGE**

a. ☐ Transportation to the visits shall be arranged by ☐ Mother ☐ Father ☐ Other

b. ☐ Transportation from the visits shall be arranged by ☐ Mother ☐ Father ☐ Other

c. ☐ The exchange of the children shall occur at (specify address):

d. ☐ Other (specify):

6. ☐ **THE RESTRAINED PERSON SHALL NOT REMOVE THE MINOR CHILD OR CHILDREN OF THE PARTIES**

a. ☐ from the State of California.

b. ☐ other (specify):

7. ☐ **CHILD SUPPORT**

a. ☐ I am receiving or have applied for public assistance.

b. ☐ I am asking for child support under the child support guidelines for the minor children. (Note: you must file a completed Financial Statement (Simplified) (form 1285.52) or an Income and Expense Declaration (form 1285.50) prior to the hearing.)

1. To (name of person to be restrained):
2. **A court hearing has been set at the time and date shown in the box below. You may attend this hearing, with or without an attorney, to give any legal reason why the orders requested in the attached application should not be granted. If you do not appear at this court hearing, the court may grant the requested orders for up to three years without further notice to you. For more information, read "Information and Instructions for the Restrained Person" (form FL-857).**

Date: _____ Time: _____ Dept.: _____ Room: _____
 Name and address of court: ☐ same as listed above ☐ other (*specify*): _____

4. ☐ TIME FOR SERVICE OF ORDERS AND RESPONSIVE PAPERS

- a. The protected person shall cause the documents to be personally served on the restrained person by *(date)*:
- b. If the restrained person wants to respond, any responsive papers must be served on the protected person, and filed with the court by *(date)*:

Date: _____

JUDICIAL OFFICER

TEMPORARY RESTRAINING ORDER

5. **PERSON TO BE RESTRAINED** (Name): _____

Sex: ☐ M ☐ F Ht.: _____ Wt.: _____ Hair Color: _____ Eye Color: _____ Race: _____ Age: _____ Date of Birth: _____

PERSON SEEKING ORDER (name):	CASE NUMBER:
PERSON TO BE RESTRAINED (name):	

6. The protected person(s) are (list names of **all persons** to be protected by this order including the person seeking the order):

UNTIL THE TIME OF HEARING, IT IS ORDERED:

7. ☐ **PERSONAL CONDUCT ORDERS** The restrained person shall not contact (directly or indirectly), telephone, send any messages to, molest, harass, attack, strike, threaten, assault (sexually or otherwise), batter, follow, stalk, destroy the personal property of, disturb the peace of, keep under surveillance, or block movements of:

☐ the person seeking the order ☐ the other protected persons listed in item 6

8. ☐ **MOVE OUT ORDER**
The restrained person must immediately move from (address):

and take only personal clothing and effects needed until the hearing.

9. ☐ **STAY AWAY ORDER**
The restrained person shall stay at least (specify): yards away from the following persons and places.
(Addresses not required.)

(1) ☐ Person seeking the order
(2) ☐ The other protected persons listed in item 6
(3) ☐ Residence of person seeking the order
(4) ☐ Place of work of person seeking the order
(5) ☐ The children's school or place of child care
(6) ☐ Protected person's vehicle
(7) ☐ Other (specify):

10. ☐ **PEACEFUL CONTACTS FOR COURT-ORDERED VISITATION**
The restrained person is permitted to have peaceful contacts with the protected person(s) listed above in item 6 which is directly related to court-ordered visitation of the minor children.

11. ☐ **WRITTEN CONTACT FOR ONGOING CASE**
The restrained person is permitted to have peaceful written contact with the protected person, which is directly related to a proceeding for dissolution, legal separation, nullity of marriage or other court case. Any such contact is permitted only through the United States Postal Service.

12. ☐ **CUSTODY AND VISITATION ORDERS** are set forth in *Child Custody and Visitation Order* (form 1296.31A).

13. ☐ **FIREARM RELINQUISHMENT**
The restrained person must surrender to local law enforcement or sell to a licensed gun dealer any firearm in or subject to his or her immediate possession or control within

a. ☐ 24 hours after issuance of this order (if restrained person is present at hearing).
b. ☐ 48 hours after service of this order (if restrained person is not present at hearing).
c. ☐ other (specify):

The restrained person shall file the *Proof of Surrender or Sale of Firearms* (form FL-895) with the court showing compliance with this order within 72 hours of receiving this order. The restrained person may not own, possess, purchase or attempt to purchase, receive or attempt to receive, or otherwise obtain a firearm.

PERSON SEEKING ORDER (name): _____ PERSON TO BE RESTRAINED (name): _____	CASE NUMBER: _____
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14. ☐ **PROPERTY CONTROL**
 The protected person is given exclusive temporary use, control, and possession of the following property until the hearing:
15. ☐ **PROPERTY RESTRAINT**
 The parties are restrained from transferring, borrowing against, selling, hiding, or in any way disposing of any real or personal property, whether community, quasi-community, or separate, except in the ordinary course of business or for the necessities of life.
16. ☐ **RECORDING OF PROHIBITED COMMUNICATIONS**
 The protected person may record any prohibited communications made to him or her by the restrained person.
17. ☐ **FEES FOR SERVICE OF THIS ORDER BY LAW ENFORCEMENT ARE WAIVED**
18. ☐ **OTHER ORDERS** (specify):

Date: _____

JUDICIAL OFFICER

NOTICE TO RESTRAINED PERSON

IF YOU HAVE BEEN PERSONALLY SERVED WITH AN ORDER TO SHOW CAUSE AND A TEMPORARY RESTRAINING ORDER, BUT YOU DO NOT APPEAR AT THE HEARING EITHER IN PERSON OR THROUGH AN ATTORNEY, THE COURT MAY GRANT THE REQUESTED ORDERS FOR A PERIOD OF UP TO 3 YEARS WITHOUT FURTHER NOTICE TO YOU. IF A RESTRAINING ORDER IS ISSUED AT THE HEARING WHICH DOES NOT DIFFER FROM THE TEMPORARY RESTRAINING ORDER, A COPY OF THE ORDER WILL BE SERVED UPON YOU BY MAIL AT THE FOLLOWING ADDRESS:

IF THAT ADDRESS IS NOT CORRECT OR YOU WISH TO VERIFY THAT THE TEMPORARY ORDER WAS MADE PERMANENT WITHOUT SUBSTANTIVE CHANGE, CONTACT THE CLERK OF THE COURT.

CERTIFICATE OF COMPLIANCE WITH VIOLENCE AGAINST WOMEN ACT (VAWA).

This ex parte/temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, all military tribunals and all U.S. territories, and shall be enforced as if it were an order of that jurisdiction.

PERSON SEEKING ORDER (name):	CASE NUMBER:
PERSON TO BE RESTRAINED (name):	

WARNINGS AND NOTICES TO RESTRAINED PERSON

1. **VIOLATION OF THE ORDER IS SUBJECT TO CRIMINAL PROSECUTION.**

Violation of this restraining order may be punishable as a contempt of court, a misdemeanor, or a felony. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both. Traveling across state or tribal boundaries with the intent to violate the order may be punishable as a federal offense under the Violence Against Women Act, 18 U.S.C. § 2261(a)(1) (1994) (VAWA). You may also be convicted of a federal offense if you cause the protected person to cross a state or tribal boundary for this purpose (VAWA, § 2262(a)(2)).

2. **FIREARMS NOTICE.**

Any person subject to a restraining order may not own, possess, purchase or attempt to purchase, receive or attempt to receive, or otherwise obtain a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. At the hearing on this case, the court shall order that the person subject to these orders relinquish any firearms and not own or possess any firearms while the restraining order is in effect. Violation of these orders is subject to criminal penalties. Under federal law, the issuance of a restraining order after hearing will generally prohibit the restrained person from possessing a firearm or ammunition.

3. **HOW TO RESPOND IF YOU WERE SERVED WITH A RESTRAINING ORDER.**

Complete and file a *Responsive Declaration to Order to Show Cause* (Form FL-820), and any papers listed below in paragraph 4b, stating whether you consent to or object to the orders being requested at the hearing. You do not have to pay any fee to file the responsive papers. File and serve the papers on the other person by the date listed on the *Order to Show Cause*.

4. **CHILD CUSTODY AND SUPPORT:**

- a. **CHILD CUSTODY.** If you do not attend the court hearing, the court may make orders for custody of your children without hearing your side. If the court makes a finding that you have perpetrated domestic violence, the court might deny you custody of your children, although you might still have visitation rights with your children.
- b. **CHILD SUPPORT.** The court may order payment of child support based on the income of both parents and require that child support be collected by an earnings (wage) assignment order. The amount of child support may be large and normally continues until the child is 18 years old. File and serve a *Financial Statement (Simplified)* (Form 1285.52) or an *Income and Expense Declaration* (Form 1285.50) to give the court information about your finances. Otherwise, the court will make orders without your input.

INSTRUCTIONS FOR LAW ENFORCEMENT

Instructions on how to enforce this order are specified on *Instructions for Law Enforcement* (form FL-896).

CLERK'S CERTIFICATE

[SEAL]

I certify that the foregoing *Order to Show Cause and Temporary Restraining Order (CLETS)* is a true and correct copy of the original on file in the court.

Date:

Clerk, by _____, Deputy

- *This response will be considered by the judge at the court hearing. You must still obey the orders granted until the hearing.*
- *You may ask the court to make orders you request, including restraining orders. You must appear at the court hearing to give the court evidence about orders you request.*
- *If you do not appear at the court hearing, the court may grant the requested orders, which may last up to three years without further notice to you.*
- *You will be ordered to relinquish any firearms and any ammunition. Possession of a firearm may subject you to a fine and imprisonment.*

1. ☐ **PERSONAL CONDUCT RESTRAINING ORDER**
I ☐ do ☐ do not consent to the order requested.
2. ☐ **MOVE OUT AND RELATED ORDER**
I ☐ do ☐ do not consent to the order requested.
3. ☐ **STAY-AWAY ORDER**
I ☐ do ☐ do not consent to the order requested.
4. ☐ **PEACEFUL CONTACTS FOR COURT-ORDERED VISITATION**
I ☐ do ☐ do not consent to the order requested.
5. ☐ **WRITTEN CONTACT FOR ONGOING CASE**
I ☐ do ☐ do not consent to the order requested.
6. ☐ **CHILD CUSTODY**
 - a. ☐ I consent to the custody order requested.
 - b. ☐ I am not the parent of the child(ren) listed in the *Application for Order*.
 - c. ☐ I request the following custody order (*specify*):

Form Adopted for Mandatory Use
Judicial Council of California
FL-820 [Rev. January 1, 2002]

RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE
(Domestic Violence Prevention)

PERSON TO BE PROTECTED (name):	CASE NUMBER:
PERSON TO BE RESTRAINED (name):	

7. ☐ **CHILD VISITATION**

- a. ☐ I consent to the visitation order requested.
b. ☐ I request the following visitation order (specify):

8. ☐ **CHILD SUPPORT**

I ☐ do ☐ do not consent to the order requested.

9. ☐ **PROPERTY CONTROL**

I ☐ do ☐ do not consent to the order requested.

10. ☐ **DEBT PAYMENT**

I ☐ do ☐ do not consent to the order requested.

11. ☐ **SPOUSAL SUPPORT**

I ☐ do ☐ do not consent to the order requested.

12. ☐ **ATTORNEY FEES**

I ☐ do ☐ do not consent to the order requested.

13. ☐ **RESTITUTION**

I ☐ do ☐ do not consent to the order requested.

14. ☐ **COUNSELING**

I ☐ do ☐ do not consent to the order requested.

15. ☐ **FIREARM RELINQUISHMENT**

- a. I ☐ do ☐ do not consent to the order requested.
b. I ☐ have ☐ have not relinquished my firearms to a local law enforcement agency or licensed gun dealer.
A copy of the receipt ☐ is attached. ☐ has previously been filed. (A receipt must be filed with the court within 72 hours after receiving the order.)

16. ☐ **RECORDING OF COMMUNICATIONS**

I ☐ do ☐ do not consent to the order requested.

17. ☐ **OTHER ORDERS** (see item 25 of the Application for Order, form FL-800)

I ☐ do ☐ do not consent to the order requested.

18. ☐ I request the court to order payment of my

- a. ☐ attorney fees if I win.
b. ☐ out-of-pocket expenses incurred as the result of an ex parte temporary restraining order issued without sufficient supporting facts. The expenses are:

<u>Item</u>	<u>Amount</u>
-------------	---------------

(Continued on page three)

<input type="checkbox"/> PERSON TO BE PROTECTED <i>(name)</i> :	CASE NUMBER:
<input type="checkbox"/> PERSON TO BE RESTRAINED <i>(name)</i> :	

19. ☐ I request the following additional orders:

20. ☐ **SUPPORTING INFORMATION**
☐ contained in the attached declaration

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME)



(SIGNATURE)

NAME OF ATTORNEY OR PERSON WITHOUT AN ATTORNEY: ADDRESS WHERE YOU WANT MAIL SENT: TELEPHONE NO. (Optional): FAX NO. (Optional): E-MAIL ADDRESS (Optional): STATE BAR NUMBER: ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PROTECTED PERSON: RESTRAINED PERSON:	
RESTRaining ORDER AFTER HEARING (CLETS) (Domestic Violence Prevention)	
CASE NUMBER:	

This form may be used with the *Findings and Order After Hearing (form 1296.31)*, if the court makes additional orders.

1. This proceeding was heard by judicial officer (name):
 on (date): at (time): in Dept.: Room:

2. **PROOF OF SERVICE REQUIREMENTS**
 - a. ☐ The person seeking to be protected and the person to be restrained were personally present at the court hearing. No additional proof of service of this restraining order is required.
 - b. ☐ The person seeking the restraining order was personally present at the court hearing. The restrained person was not present at the hearing but proof of service of the *Order to Show Cause* and *Application for Order* was presented to the court.
 - (1) ☐ The terms of this order are identical to those of the *Temporary Restraining Order*, except for its duration. This order may be served by mail.
 - (2) ☐ The terms of this order are different from those of the *Temporary Restraining Order*. This order must be personally served.
 - c. ☐ By written stipulation. No additional proof of service of this restraining order is required.

3. The restrained person is (name):

Sex: ☐ M ☐ F Ht.: ____ Wt.: ____ Hair color: ____ Eye color: ____ Race: ____ Age: ____ Birth date: ____

4.
 - a. The protected person is (name):
 - b. The protected family and household members are (list first and last names of all protected people under this order):

5.

THIS ORDER, EXCEPT FOR ANY AWARD OF CHILD CUSTODY, VISITATION, OR CHILD SUPPORT, SHALL EXPIRE AT MIDNIGHT ON (date) _____.
IF NO DATE IS PRESENT, THIS ORDER EXPIRES THREE YEARS FROM THE DATE OF ISSUANCE.

6. **PERSONAL CONDUCT ORDER**
 The restrained person **shall not** contact (directly or indirectly), telephone, send any messages to, molest, harass, attack, strike, threaten, assault (sexually or otherwise), batter, follow, stalk, destroy the personal property of, disturb the peace of, keep under surveillance, or block movements of:

☐ the person seeking the order
☐ the other protected person(s) listed in item 4b

7. ☐ **MOVE OUT ORDER**
 The restrained person must immediately move from (address):

(Continued on page two)

PROTECTED PERSON (name):	CASE NUMBER:
RESTRAINED PERSON (name):	

8. ☐ **STAY AWAY ORDER**
The restrained person shall stay at least (specify): _____ yards away from the following protected persons and places:
- (1) ☐ person seeking the order
 - (2) ☐ the other protected persons listed in item 4
 - (3) ☐ residence of person seeking the order
 - (4) ☐ place of work of person seeking the order
 - (5) ☐ the children's school or place of child care
 - (6) ☐ protected person's vehicle
 - (7) ☐ other (specify):
9. ☐ **PEACEFUL CONTACT FOR COURT-ORDERED VISITATION**
The restrained person is permitted to have peaceful contact with the protected persons listed above in item 4 which is directly related to court-ordered visitation of the minor children.
10. ☐ **WRITTEN CONTACT FOR ONGOING CASE**
The restrained person is permitted to have peaceful written contact with the protected person, which is directly related to a proceeding for dissolution, legal separation, nullity of marriage or other court case. Any such contact is permitted only through the United States Postal Service.
11. ☐ **CHILD CUSTODY AND VISITATION**
The custody and visitation of the minor children is ordered as set forth in the attached form(s), which are incorporated herein and made an operative part of this order.
- a. ☐ *Child Custody and Visitation Order Attachment* (form 1296.31A)
 - b. ☐ Other (specify):
12. ☐ **CHILD SUPPORT**
Child support for the minor children shall be ordered as set forth in the attached form(s), which are incorporated herein and made an operative part of this order.
- a. ☐ *Child Support Information and Order Attachment* (form 1296.31B)
 - b. ☐ Other (specify):
13. ☐ **ADDITIONAL ORDERS**
Additional orders relating to property control, debt payment, attorney fees, restitution, spousal support, counseling and/or other orders are set forth in the attached forms, which are incorporated herein and made an operative part of this order.
- a. ☐ *Domestic Violence Miscellaneous Orders Attachment* (form FL-835)
 - b. ☐ Other (specify):
14. **MANDATORY FIREARM RELINQUISHMENT**
The restrained person must surrender to local law enforcement or sell to a licensed gun dealer any firearm in or subject to his or her immediate possession or control within
- a. ☐ 24 hours after issuance of this order (if restrained person is present at hearing).
 - b. ☐ 48 hours after service of this order (if restrained person is not present at hearing).
 - c. ☐ other (specify):
- The restrained person shall file the *Proof of Surrender or Sale of Firearms* (form FL-895) with the court showing compliance with this order within 72 hours of receiving this order. The restrained person may not own, possess, purchase or attempt to purchase, receive or attempt to receive, or otherwise obtain a firearm.
15. ☐ **RECORDING OF PROHIBITED COMMUNICATIONS**
The protected person may record any prohibited communication made to him or her by the restrained person.
16. ☐ **BATTERER'S COUNSELING**
The restrained person is ordered to participate in an approved batterer's program for 12 months at that party's expense with the results of attendance and completion to be provided to the court.

(Continued on page three)

PROTECTED PERSON (name):	CASE NUMBER:
RESTRAINED PERSON (name):	

17. ☐ FEES FOR SERVICE OF THIS ORDER BY LAW ENFORCEMENT ARE WAIVED

18. ☐ OTHER ORDERS (specify):

19. ☐ Restrained person is ordered to return to this court on (date): _____ at (time): _____. All orders shall remain in effect until the expiration date in item 5.

20. Any attachments noted in items 11, 12, and 13 of this order are attached hereto, incorporated herein, and made a part of this order.

Number of pages attached: _____

Date:

JUDICIAL OFFICER

CERTIFICATE OF COMPLIANCE WITH VIOLENCE AGAINST WOMEN ACT (VAWA). This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, all military tribunals and all U.S. territories, and shall be enforced as if it were an order of that jurisdiction.

WARNINGS AND NOTICES TO RESTRAINED PERSON

1. **FIREARMS NOTICE**

Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. Under federal law, the issuance of a restraining order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. Possession of a firearm while subject to this order may be a felony under federal law punishable by up to ten (10) years in prison and a \$25,000 fine.

2. **VIOLATION OF THE ORDER IS SUBJECT TO CRIMINAL PROSECUTION.**

Violation of this restraining order may be punishable as a contempt of court, a misdemeanor, or a felony. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both. Traveling across state or tribal boundaries with the intent to violate the order, or causing the protected person to do so, may be punishable as a federal offense under the Violence Against Women Act, 18 U.S.C. § 2261(a)(1) (1994) (VAWA).

INSTRUCTIONS FOR LAW ENFORCEMENT

Instructions on how to enforce this order are specified on *Instructions for Law Enforcement* (form FL-896).

CLERK'S CERTIFICATE

[SEAL] I certify that the foregoing *Restraining Order After Hearing (CLETS)* is a true and correct copy of the original on file in the court.

Date: Clerk, by _____, Deputy

PERSON TO BE PROTECTED:	CASE NUMBER:
PERSON TO BE RESTRAINED:	

DOMESTIC VIOLENCE MISCELLANEOUS ORDERS
Attachment to Findings and Order After Hearing (form 1296.31)
—or—
to Restraining Order After Hearing (CLETS) (form FL-830)

1. ☐ **PROPERTY CONTROL**

Person to be protected is given exclusive use, possession, and control of the following property:

2. ☐ **DEBT PAYMENTS**

Person to be restrained shall make the following payments coming due while this order is in effect:

<u>Debt</u>	<u>Payable to</u>	<u>Amount of payment</u>	<u>Date payable</u>
		\$	

3. ☐ **ATTORNEY FEES AND COSTS**

Person to be restrained shall pay the following attorney fees and costs:

<u>Payable to</u>	<u>Amount of payment</u>	<u>Date payable</u>
	\$	

4. ☐ **RESTITUTION**

Person to be restrained shall make the following payments as restitution:

<u>Payable to</u>	<u>Amount of payment</u>	<u>Date payable</u>
	\$	

5. ☐ **PROPERTY RESTRAINT**

The parties are restrained from transferring, borrowing against, selling, hiding, or in any way disposing of any real or personal property, whether community, quasi-community, or separate, except in the ordinary course of business or for the necessities of life.

6. ☐ **OTHER ORDERS:**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO. (Optional): FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):			FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
PERSON TO BE PROTECTED: PERSON TO BE RESTRAINED:			
PROOF OF SERVICE			
HEARING DATE	TIME	DEPT., ROOM or DIVISION	
			CASE NUMBER:

PERSONAL SERVICE

Instruction: After having the other party served with a copy of the document(s) identified in item 1, file the completed and originally signed *Proof of Service* with the court. Neither the petitioner nor the respondent, nor any person protected by these orders, can serve these papers.

1. I served a copy of the following documents (check the box before the title of each document you served):
 - a. ☐ Order to Show Cause and Temporary Restraining Order (CLETS) (Domestic Violence Prevention) with Application for Order (Domestic Violence Prevention) and blank Responsive Declaration to Order to Show Cause (Domestic Violence Prevention)
 - b. ☐ Income and Expense Declaration with blank Income and Expense Declaration (Family Law)
 - c. ☐ Financial Statement (Simplified) with blank Financial Statement (Simplified) (Family Law)
 - d. ☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
 - e. ☐ Application and Order for Re-issuance of Order to Show Cause (Domestic Violence Prevention)
 - f. ☐ Restraining Order After Hearing (CLETS) (Domestic Violence Prevention)
 - g. ☐ Findings and Order After Hearing (Family Law, Domestic Violence Prevention, Uniform Parentage)
 - h. ☐ Petition to Establish Parental Relationship with Summons with Standard Restraining Order (Paternity) and blank Response to Petition to Establish Parental Relationship (Uniform Parentage)
 - i. ☐ Order to Show Cause with Application for Order and Supporting Declaration; blank Responsive Declaration to Order to Show Cause or Notice of Motion (Family Law—Uniform Parentage)
 - j. ☐ Other (specify):
2. Person served (name):
3. By personally delivering copies to the person served, as follows:
 - (1) Date: (2) Time:
 - (3) Address:
4. At the time of service I was at least 18 years of age, not a party to this action, and not a protected person in any of the orders.
5. My name, address, telephone number, and, if applicable, county of registration as process server and registration number are (specify):
6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

(See page two for proof of service by mail)

PETITIONER/PERSON TO BE PROTECTED:	CASE NUMBER:
RESPONDENT/PERSON TO BE RESTRAINED:	

SERVICE BY MAIL

Most of the documents listed on the reverse must be served by personal delivery. Fill out this side only for those documents that can be served by mail.

Instructions: After serving the other party by mail with a copy of the document(s) identified in item 2, file the completed and originally signed Proof of Service with the court. An unsigned copy of the Proof of Service should be attached to and served with the document(s).

1. I am over the age of 18 and **not a party to this cause, nor a protected person under any of the orders.** I am a resident of or employed in the county where the mailing occurred. My residence or business address is:

2. I served a copy of the following documents *(check the box before the title of each document you served)*:
 - a. ☐ Responsive Declaration to Order to Show Cause (Domestic Violence Prevention)
 - b. ☐ Income and Expense Declaration (Family Law)
 - c. ☐ Financial Statement (Simplified) (Family Law)
 - d. ☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
 - e. ☐ Restraining Order After Hearing (CLETS) (Domestic Violence Prevention)
 - f. ☐ Findings and Order After Hearing (Family Law, Domestic Violence Prevention, Uniform Parentage)
 - g. ☐ Response to Petition to Establish Parental Relationship (Uniform Parentage)
 - h. ☐ Response (Family Law)
 - i. ☐ Responsive Declaration to Order to Show Cause or Notice of Motion (Family Law—Uniform Parentage)
 - j. ☐ Other (specify):

by placing a true copy of each document in the United States mail, in a sealed envelope with postage fully prepaid, as follows:

k. Date of deposit:

l. Place of deposit *(city and state)*:

m. Addressed as follows:

3. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)



(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

3. ☐ a. Does any person who is not a parent or guardian currently have physical custody (with or without a court order) or have a claim for custody or visitation rights to any child in this case?
- ☐ Yes. ☐ No.
- b. If yes:
- | <u>Name of child</u> | <u>Name and address of person having
custody or claiming custody rights</u> |
|----------------------|---|
|----------------------|---|

Family Code, § 3409;
Probate Code, §§ 1510(f), 1512

CASE NAME: _____	CASE NUMBER:
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5. **For each child, please give the information requested below. The residence information must be given for the last FIVE years. List the year and the city and state where the child lived. If the address is confidential, do not enter an address, instead put a check mark in the box next to the word "Confidential."**

a. Child's name		Place of birth (state and country)	Date of birth	Sex
Date moved to current residence (month and year)	City and state <input type="checkbox"/> Confidential	Person child lived with (name)	Relationship to child	
Date lived in former residence (month and year)	City and state	Person child lived with (name)	Relationship to child	
b. Child's name		Place of birth (state and country)	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given for child listed above for child a. (If NOT the same, provide the information below.)				
Date moved to current residence (month and year)	City and state <input type="checkbox"/> Confidential	Person child lived with (name)	Relationship to child	
Date lived in former residence (month and year)	City and state	Person child lived with (name)	Relationship to child	

c. ☐ Additional children are listed on attached page which I have marked "Attachment 5c." (Provide requested information for additional children on an attachment and write at the top of the attachment "Attachment 5c.")

6. ☐ Number of pages attached after this page: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

PETITIONER/PLAINTIFF: _____	CASE NUMBER:
RESPONDENT/DEFENDANT:	

DECLARATION FOR DOMESTIC VIOLENCE RESTRAINING ORDER***Optional Attachment to Application for Order***

(List recent dates that you were abused. Describe what happened and who was present or witnessed the abuse. This will not be a complete list of everything that happened, only recent incidents. Attach this to your *Application for Order* (form FL-800).

1. The most recent incident happened on *(approximate date)*: _____
 - a. What did the person do? *(Describe the violence or threats of violence — include whether you were hit, kicked, pushed, threatened with physical injury or death, stalked, etc.)*.
 - b. Where did it happen? *(Describe where it happened, for example, at home, at work, in the car)*.
 - c. Who was present? *(List names of people who saw or heard the abuse and where they were)*.
 - d. Did you have any injuries? *(Describe location and size of any bruises, cuts, etc.)*.
 - e. Were any weapons used or threatened? *(List types of any weapons used or threatened, including gun, automobile, household furniture, etc.)*.
 - f. Additional description of incident *(describe anything else that you want the court to know about what happened. If you need more space to write, check the box and attach form MC-020 "Additional Page" or another sheet, and write your name and "Declaration item 1" at the top)*:
☐ Additional description on attached page.

(Continued on reverse)

Page one of two

PROTECTED PERSON (name):	CASE NUMBER:
RESTRAINED PERSON (name):	

2. The second recent incident happened on (approximate date): _____
- What did the person do? *(Describe the violence or threats of violence — include whether you were hit, kicked, pushed, threatened with physical injury or death, stalked, etc.).*
 - Where did it happen? *(Describe where it happened, for example, at home, at work, in the car).*
 - Who was present? *(List names of people who saw or heard the abuse and where they were).*
 - Did you have any injuries? *(Describe location and size of any bruises, cuts, etc.).*
 - Were any weapons used or threatened? *(List types of any weapons used or threatened, including gun, automobile, household furniture, etc.):*
 - Additional description of incident *(describe anything else that you want the court to know about what happened. If you need more space to write, check the box and attach form MC-020 "Additional Page" or another sheet, and write your name and "Declaration item 2" at the top):*
☐ Additional description on attached page.
3. Other examples of physical violence or threats of violence against me or our child(ren) *(list approximate dates and what the person said or did to hurt or scare you or the child(ren)). If you need more space to write, check the box and attach MC-020 "Additional Page" or another sheet, and write your name and "Declaration item 3" at the top):*
☐ Additional description on attached page.

CHECKLIST FOR TEMPORARY RESTRAINING ORDER

1. Each form has a name and a number at the bottom of the form. Make sure they match the forms from this list.
2. a. To get a **RESTRAINING ORDER**, choose these forms:
 - ☐ *Order to Show Cause and Temporary Restraining Order* (FL-810)
 - ☐ *Application for Order* (FL-800)
- b. If you have **CHILDREN** with the person to be restrained, add these forms to your packet:
 - ☐ *Child Custody and Visitation Order* (form 1296.31A)
 - ☐ *Child Custody, Visitation, and Support Attachment to Application* (form FL-800A)
 - ☐ *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form MC-150)
 - ☐ *Financial Statement (Simplified)* (form 1285.52), **OR**
 - ☐ *Income and Expense Declaration* (form 1285.50)

For more information on which form to use, read "*Which Financial Form?*" (form FL-861)
3. When you see the court clerk or the Family Law Facilitator, ask for the following forms. Keep them for later use.
 - ☐ *Responsive Declaration to Order to Show Cause* (form FL-820)
 - ☐ *Proof of Surrender or Sale of Firearms* (form FL-895)
 - ☐ *Proof of Service* (form FL-840)
 - ☐ *Restraining Order After Hearing* (form FL-830)
4. After you select the forms you need, complete them and take them to the court clerk. For more help, read the instruction booklet (form FL-850) and the information sheets (FL-852 through FL-861).

WHAT IS A RESTRAINING ORDER? INFORMATION FOR PERSON APPLYING FOR ORDER

WHAT IS A RESTRAINING ORDER?

A restraining order is a court order that tells someone to do something or not do something. It can tell the restrained person to stop threatening you or hitting you or your children or the people who live with you. Restraining orders can also tell the restrained person to do any or all of the following:

- stop calling
- move out
- stay away from where you live or work
- give up a gun
- limit the time he or she spends with your children
- pay certain bills
- pay child support
- return your possessions or property
- pay some or all of your attorney fees

WHO CAN GET A RESTRAINING ORDER?

You can get a restraining order if: (1) you have a close relationship with the restrained person and (2) there is actual or threatened abuse.

(1) **Close relationship:**

- ☐ You are married or you used to be married to each other
- ☐ You are dating or you used to date each other
- ☐ The other person is the mother or father of your child
- ☐ The other person is related to you by blood, marriage, or adoption (for example: parent, child, brother, sister, grandparent or grandchild)
- ☐ The other person regularly lives in or used to regularly live in your home

AND

(2) **Actual or threatened abuse:**

The other person did one or more of the following things to you or your child(ren):

- ☐ Physically hurt you (for example, by punching, choking, slapping, kicking, pushing, shoving, pulling your hair or throwing something at you like furniture, dishes, a telephone, a remote control)
- ☐ Threatened to hurt you
- ☐ Sexually assaulted you
- ☐ Stalked you
- ☐ Harassed you
- ☐ Disturbed your peace
- ☐ Destroyed your belongings

(Continued on page two)

Page one of three

WHAT IF I DON'T QUALIFY FOR THE ORDERS?

If you do not qualify for domestic violence restraining orders, then you may qualify for a civil harassment order or a dependent adult/elder abuse restraining order, or you can meet with a lawyer who may be able to help you get a different type of restraining order. You can get civil harassment forms and dependent adult/elder abuse forms from the court clerk.

DO I NEED A LAWYER?

The court will not require that you have a lawyer. However, legal advice can be very helpful. Ask the court clerk for information about legal services in your county to help you. Some counties have low cost or free legal assistance.

Some domestic violence agencies offer legal assistance with restraining orders. The National Domestic Violence Hotline (1-800-799-7233) can give you a telephone number for the local domestic violence agency. If your case involves child support, the Family Law Facilitator will be able to help you with those issues. Ask the court clerk how to locate the Family Law Facilitator's office.

Please note that you can apply for a restraining order even if you don't have a lawyer. Follow the steps in these instruction sheets and ask the court clerk if there are any special rules you need to follow.

WILL I NEED TO GO TO COURT?

Yes. There will be a court hearing about three weeks after you ask for the temporary restraining orders. If you do not go to that hearing, your orders will end.

WILL I HAVE TO SEE THE RESTRAINED PERSON AT THE COURT HEARING?

If the restrained person comes to the hearing, that person has the right to be in court and to speak to the judge. However, the restrained person does not have the right to speak to you. Read the information sheet called *Prepare for the Restraining Order Hearing* for help in preparing for the court hearing.

IF I DON'T HAVE A LAWYER, CAN I BRING SOMEONE ELSE WITH ME?

Yes. You can bring someone to the court hearing to be with you in court and sit next to you during the hearing. However, the person cannot speak for you or represent you in court.

CAN I USE THE RESTRAINING ORDER TO GET DIVORCED?

No. These forms will not end your marriage. You will have to file other forms to end your marriage. Ask the court clerk for information about where you can get legal help for a divorce.

HOW SOON CAN I GET TEMPORARY ORDERS?

Once the judge has your forms, the judge must decide whether to grant the orders at least by the next business day. The orders are effective as soon as the judge signs them.

HOW LONG DO THE TEMPORARY ORDERS LAST?

Until the date of the court hearing, which will be listed on your restraining order (about three weeks). At the hearing, the judge can give you a longer-term restraining order, which can last up to three years.

**THE OTHER PERSON IS
THREATENING TO TAKE
OUR CHILDREN AWAY.
CAN THIS ORDER HELP?**

Yes. The judge can order that no one named on the orders can remove the children from the State of California, or the county you live in, without your written agreement or another court order. The order can also establish a temporary custody and visitation plan until the hearing.

**CAN I GET A
RESTRAINING ORDER
EVEN IF I AM NOT A U.S.
CITIZEN?**

Yes. You do not need to be a citizen or legal permanent resident to get a restraining order and you are not required to tell your immigration status to get a restraining order. Officials at the courthouse are not agents of the Immigration and Naturalization Service (INS).

WHAT IF I MOVE?

Your restraining orders can be enforced in any state or United States territory. If you move out of California, contact a law enforcement agency where you move so that they know to enforce your orders. The National Domestic Violence Hotline (1-800-799-7233) can give you the number for a local domestic violence agency for more information. If you have minor children in common with the other person, you may not move the children without a court order or the other parent's consent (certain exceptions apply - check with an attorney).

**WHAT ARE THE
OTHER INFORMATION
SHEETS?**

There are a total of eleven information sheets. You are currently looking at the sheet titled "*What Is a Restraining Order?*" The other sheets are:

- ☐ *Checklist for Restraining Order*
- ☐ *What Do I Do After I Complete The Forms?*
- ☐ *What Is Proof of Service?*
- ☐ *What to Expect at the Restraining Order Hearing (for person seeking order)*
- ☐ *Enforcing the Restraining Order*
- ☐ *Information and Instructions for the Restrained Person*
- ☐ *What to Expect at the Restraining Order Hearing (for person responding to order)*
- ☐ *Information About the Reissuance of Order to Show Cause*
- ☐ *Checklist for Restraining Order After Hearing*
- ☐ *Which Financial Form?*

In addition, there are detailed instructions for each form that you need to complete. You can get all of the information sheets and instructions from the court clerk.

WHAT DO I DO AFTER I COMPLETE THE FORMS?

- ☒ Check the boxes to make sure you have completed all steps.

☐ **Step 1: Have Your Forms Reviewed by the Judge.**

The clerk will tell you how to have your forms reviewed by the judge. The process for having your application reviewed by the judge varies from county to county. The clerk or other court assistants will tell you what their process is. In some counties you will need to see the judge in person. In other counties, the judge will make a decision based only on your papers.

☐ **Step 2: Find Out Whether or Not The Judge Signed Your Temporary Orders**

The TRO (temporary restraining order) will be available for you to pick up either the day you submit them or the next day. Ask the clerk when and where you should pick up the orders.

Read the TRO forms carefully to see if the judge granted your orders or made any changes to them.

☐ **Step 3: Make Copies and File Forms**

Make five copies of the signed papers (temporary restraining orders, application for orders and any attachments, like child custody and visitation, or property requests). In some counties the court clerk will make copies for you. The clerk will stamp the judge's name and the date on your copies. The clerk will file the originals and return the copies to you.

☐ **Step 4: Keep Copies of Your Temporary Restraining Orders**

The clerk must give you five certified copies without charge. You can make more copies if you need them.

Carry one copy with you and keep another in a safe place. You may need one if you have to call the police.

Keep a blank Proof of Service form with one of the copies of the restraining order to be served on the restrained person (read the information sheet called "What is Proof of Service for help.")

Give a copy of the restraining orders to any other person listed as a protected person on the orders. Also give a copy to any place (for example, a school or workplace) from which the restrained person is supposed to stay away.

All restraining orders must be entered into a statewide computerized registry at the California Department of Justice. In some counties, the court clerk will do this for you. Ask the court clerk how the orders get entered into the registry. To ensure that this will happen, you may deliver copies of your orders to law enforcement agencies where you live and work.

☐ **Step 5: Mark Your Calendar for the Court Hearing**

The court hearing information (date, time, and room) is listed on your *Order to Show Cause* form.

☐ **Step 6: Have the Person to be Restrained Served With a Copy of all Forms.**

The person to be restrained must receive a copy of the forms. This is called "service." You cannot "serve" (deliver) the papers yourself. You must have someone 18 years of age or older serve the orders. The person you choose cannot be a person listed as a protected person. You may ask the sheriff or marshal to serve the papers, or a process server, or someone you know. Service must be personal (where a person hands the papers to the person to be restrained). Service by mail will not work. Read the information sheet called "*What is Proof of Service*" for more information.

☐ **Step 7: File the *Proof of Service***

Make 5 copies of the signed *Proof of Service*. File the original with the court clerk and ask whether the court will send a copy to the statewide registry. If not, bring a copy of the *Proof of Service* to your local law enforcement agency. This will ensure that law enforcement knows about your restraining orders and can enforce them. Keep a copy for yourself. Make sure the completed *Proof of Service* is filed with the court at least two days before the hearing date.

YOU MUST BRING A COPY OF YOUR *PROOF OF SERVICE* TO YOUR HEARING. IF YOU HAVE NOT YET FILED THE ORIGINAL, BRING THE ORIGINAL TO YOUR HEARING.

DO NOT LEAVE THE ORIGINAL *PROOF OF SERVICE* WITH A LAW ENFORCEMENT AGENCY. IT MUST BE FILED WITH THE COURT.

NOTE: What To Do If You Are Unable To Have The Restrained Person Served Before The Hearing.

- (1) Complete the form called *Application and Order for Reissuance of Order to Show Cause* (form 1296.15).
- (2) Before or at the scheduled hearing, bring the form to court, ask the judge to sign it, and schedule a new hearing. IF YOU WAIT UNTIL AFTER THE HEARING DATE, YOU WILL HAVE TO START THE WHOLE PROCESS AGAIN. Make 5 copies of the form. File the form with the clerk. Once the form is signed and filed, your orders will last until the new hearing date.
- (3) Attach this form to the other forms and have the restrained person served.
- (4) Remember to give an "Endorsed Filed" copy of this form to each law enforcement agency that you gave the restraining order to.
- (5) For more information, read the information sheet called, "*Information About the Reissuance of Order to Show Cause*".

WHAT IS PROOF OF SERVICE?

WHAT IS SERVICE?

The law says that, to be fair, the restrained person (the person who is ordered by the court to do or not do something) needs to know about the temporary restraining orders before they can become permanent orders. This means that the restrained person has to receive a copy of all the legal papers that have been filed with the court, and blank forms to respond, before the hearing date.

There are special rules about how the restrained person finds out about the orders. "Service" refers to the special rules of how the restrained person finds out about the orders. The three main rules are:

- Someone must personally give a copy of the orders to the restrained person.
- The person who gives the copy of the orders to the restrained person must be at least 18 years old and not named as a protected person on the restraining orders.
- The person who gives the copy of the orders to the restrained person must sign a form called *Proof of Service* that lists the date, time and place that the copy of the orders and application were given to the restrained person.

When the three main rules are followed, the restrained person is "served" with the restraining orders. To make sure that all of the right forms are given to the restrained person, look at the *Proof of Service* (form FL-840) which lists the forms to be served. Sometimes the sheriff or process server will use a different proof of service form. If so, make sure it lists the forms that were served.

WHY DO I NEED TO HAVE THE ORDERS SERVED?

- Police can arrest the restrained person for violating the restraining order ONLY IF he or she knows about them, and
- On the hearing date, the judge will only be able to make orders if the restrained person was served with the temporary orders.

PERSONAL DELIVERY

"Service" means that the restraining orders must be personally given to the restrained person by someone over 18 years old, who is not named as a protected person on the orders. The person serving the orders must do all of the following:

- Physically approach the restrained person
- Identify the restrained person
- Hand over the orders, application, and all other attached documents
- Complete the *Proof of Service*

NOTE: The restrained person DOES NOT NEED TO TAKE THE PAPERS OR SIGN anything. The papers just need to be left in the restrained person's presence.

- It does not matter if the restrained person does not accept the papers or tears them up.

WHO CAN SERVE THE RESTRAINING ORDERS?

- Anyone who is at least 18 years old, so long as he or she is not listed as a protected person on the restraining order (the protected persons CANNOT serve the orders).
- In some counties, the sheriff's department will serve the orders. The court clerk or the Family Law Facilitator will know whether the Sheriff can serve the orders in your county.
- A relative or friend so long as he or she is not named as a protected person.
- A "Process server." These people are listed in the yellow pages of the phone book and will serve the orders for a fee.
- You can also check with your local domestic violence agency for ideas about who can serve the orders.

WHAT HAPPENS IF I CAN'T GET THE ORDERS SERVED BEFORE THE HEARING DATE?

You can get your orders continued and a new hearing date. Complete the one page form called *Application and Order for Reissuance of Order to Show Cause* (form 1296.15). You can bring it to court on the hearing date to get the judge's signature, or you can bring it to the clerk before the hearing date to get the judge's signature. It's very important that you file the form and attach a copy of the filed form to your existing temporary restraining order so that the police will know your orders are still in effect and so that the restrained person can be served with notice of the new hearing date. For more information, read the information sheet called *Information About the Reissuance of Order to Show Cause* (form FL-859).

WHO SIGNS THE PROOF OF SERVICE?

The person who serves (gives) the restraining orders to the restrained person is the only person who can sign the *Proof of Service*.

WHAT DO I DO WITH THE COMPLETED PROOF OF SERVICE?

Make at least five copies. File the original at least 2 days before your hearing and ask whether the court will send a copy to the statewide registry. If not, bring a copy of the *Proof of Service* to your local law enforcement agency and they will update the statewide registry. This will ensure that law enforcement knows about your restraining orders and can enforce them. If you can't do that, bring the ORIGINAL to court on the hearing date and give it to the judge. No matter what, make sure you bring a copy of the completed *Proof of Service* to your court hearing and always keep a copy for yourself.

EXAMPLES OF "SERVICE"

Here are some examples of "service" that follow the rules described above and are valid:

- The protected person's 48 year old cousin, who is not listed on the restraining order, sees the restrained person at work and says "Hi. Here are important legal papers for you." The restrained person says "I don't want anything from you, go away." The protected person's cousin leaves the papers on the table in front of the restrained and says, "I'm leaving them here for you." The protected person's cousin then completes the *Proof of Service* form and gives it to the protected person. This is valid service because the cousin is over 18, not listed as a protected person on the orders, made face to face contact with the restrained person, attempted to hand over the orders, and completed the *Proof of Service*.

Here are some examples that do not follow the rules above and will not work:

- The protected person sees the restrained person and gives a copy of the order to him. This is not valid service because the law says that the protected person is not allowed to serve the orders.
- The protected person asks her brother, who is listed as a protected person on the orders, to serve the papers. This is not valid service because the brother is listed as a protected person on the restraining orders.

WHAT TO EXPECT AT THE RESTRAINING ORDER HEARING (For protected person SEEKING order)

Be Prepared to Present Your Case

- **Court hearings usually last 3 - 5 minutes.**
- Prepare any documentation that you plan to bring to court.
- Documentation might include police reports, medical reports, rental agreements, photos, rent receipts, bills, etc. The judge will decide what the Court can use.
- If you think that the other person will lie in court, bring a witness to court who saw or heard the violence or saw your injuries. Because the hearing is so short, the judge may not allow witnesses to speak. You can also ask witnesses who have personal knowledge of the facts to prepare declarations. These declarations must be filed with the court and served on the other person.
- Write down what orders you want. Practice asking for the orders, keeping your time to 3 minutes. Bring in the paper to the hearing. Before the hearing ends, make sure you have asked the judge for every order you want.
- After the hearing ends, and before you leave the courtroom, you will need to complete the *Restraining Order After Hearing* (form FL-830). In some counties, you will complete the form yourself. In other counties, the clerk will complete it for you. If you are required to complete it yourself, you can do so in advance of the hearing. Complete the form, including the orders you hope to receive. You can make changes to the form after the hearing.

General Information About the Court Hearing.

- You can bring someone with you for support who will sit with you but will not speak for you.
- Please do not bring children to court.
- It is a good idea to get to court early. If you are late, your case may be removed from the court calendar. This means you may have to start all over again by completing new restraining order papers.
- Find the courtroom and tell the clerk or bailiff you are present.
- If you are worried that the person to be restrained will contact you in the courtroom or hallway let the clerk or bailiff know.
- Be seated and watch the other cases until your case is called.
- When it is your turn and your name is called, go to the front of the courtroom.
- If you do not understand something, ask for help or clarification.
- Do not interrupt the judge or the person to be restrained.
- Refer to the paper you prepared in advance that lists the orders you want.
- Speak only to the judge. Do not talk to the person to be restrained except as needed to ask questions.
- If the person to be restrained tells the judge things that are not true, you should tell the judge after the person is finished talking.

Interpreters

- If you need an interpreter for the hearing, tell the court clerk. If you are hearing impaired, the court will provide an interpreter. If you need translation from another language into English, the court can provide a certified interpreter but you will have to pay the fees unless you obtain a fee waiver. Get and complete the forms *Application for Waiver of Court Fees and Costs* (form 982(a)(17)) and *Order on Application for Waiver of Court Fees and Costs* (form 982(a)(18)) to see if you qualify. If you do not qualify for a fee waiver and you cannot afford the certified interpreter fees, the judge may allow you to bring someone to interpret for you.

(Continued on page two)

Page one of two

How to Handle Questions

- If the judge or the person to be restrained or his or her attorney ask you questions, answer truthfully and slowly.
- If the person to be restrained or any other person talks to the judge, you have the right to ask that person questions about what they say.

The Judge Makes the Decision

- Bring in the *Restraining Order After Hearing* form and any attachments. You may fill it out ahead of time the way you would like it to be, but you may have to make changes to it, based on what the judge orders.
- When the hearing is over, the judge will say aloud which orders are granted.
- Check to see if the judge's spoken order is different in any way from the *Restraining Order After Hearing* form that you filled out before the hearing. If you filled out the form ahead of time, you should print any changes that need to be made directly onto your *Restraining Order After Hearing* form.
- Ask the judge to sign the *Restraining Order After Hearing*. Make five copies of the order. Some courts will make the copies for you.

The Judge Could Continue the Case

- The judge may tell you to come back for another hearing at a later date. This could happen if your hearing is taking longer than planned, if the judge doesn't have enough facts to decide and wants you to bring in more information, or if the person to be restrained asks for time to get a lawyer or prepare a response.
- The judge may extend your temporary orders so that they last until the next hearing.
- If this happens, fill out the form call *Application and Order for Reissuance of Order to Show Cause* (use the instruction sheet called "*Information About the Reissuance of Order to Show Cause*").

If There Are Disputes About Child Custody and Visitation

- All child custody and visitation disputes are handled first through mediation with Family Court Services.
- You can bring a support person with you to mediation. You can also ask to meet separately with the mediator and attend mediation at separate times from the person to be restrained.
- If your hearing is continued to another day to allow for mediation, ask the judge to extend your temporary restraining orders, as well as any temporary custody and visitation orders.
- If the hearing is continued, fill out the form called *Application and Order for Reissuance of the Order to Show Cause* (read the instruction sheet called "*Information About the Reissuance of Order to Show Cause*").

Steps After Court Hearing

- File the *Restraining Order After Hearing*.
- If the restrained person does not come to the hearing, you will need to have someone personally serve him or her with the *Restraining Order After Hearing*.

If the restrained person comes to the hearing, you do not have to personally serve the *Restraining Order After Hearing*. However, you should have the order served by mail. Read the information sheet "*Proof of Service*" for instructions about serving orders by mail.

Send a copy of the *Order After Hearing* to your local law enforcement agency.

- File the *Proof of Service*.

ENFORCING THE RESTRAINING ORDER

What Do I Do With My Order?

Keep a copy of the *Restraining Order After Hearing* with you at all times.

Always keep a copy of the *Proof of Service* with each copy of the *Restraining Order After Hearing*. You may also want to deliver copies to other people protected by the orders or to schools, building security, or places of employment the restrained person has been ordered to stay away from. If you have been given custody of a minor child, you may want to deliver a copy to the child's school, daycare center, or babysitter. Be sure a copy is on file with your local law enforcement agency.

When Should I Call the Police?

Report any violation of the orders *as soon as possible* to your local law enforcement agency.

Keep a written record of the incidents and obtain copies of police reports concerning the incidents. If you receive treatment for any injuries caused by the restrained person, obtain copies of medical reports.

What Happens If I Don't Have the *Proof of Service*?

Call law enforcement anyway.

Even though your orders become effective when the judge signs them, the restrained person must know what the orders are before they can be enforced. Your *Proof of Service* proves that the restrained person knows what the orders say.

If law enforcement does not have a copy of the *Proof of Service* on the restrained person, and the restrained person was not present at the court hearing, the police officer will advise the restrained person of the terms of the order and then enforce it.

What If the Restrained Person Violates the Orders?

Violation of a Restraining Order is a crime.

The punishment may include fines and imprisonment. Your local district or city attorney's office will decide whether to file a criminal complaint after you or the police request it.

Violation of a restraining order is also punishable by civil contempt of court. You may file a civil contempt action in the same court that issued the restraining orders.

The law forbids any restrained person from owning, possessing, purchasing, or attempting to purchase or otherwise obtain a firearm. A violation can result in a fine and imprisonment.

INFORMATION AND INSTRUCTIONS FOR THE RESTRAINED PERSON

What Do I Do After Being Served With a Restraining Order?

Read the papers served on you very carefully. The *Order to Show Cause* tells you when to appear in court and probably contains a *Temporary Restraining Order* forbidding you from doing certain things. You must obey these orders.

IF YOU DISOBEY THE COURT'S ORDERS, CIVIL OR CRIMINAL CHARGES MAY BE FILED AGAINST YOU.

Do I Need a Lawyer?

The court will not require that you have a lawyer. However, legal advice can be very helpful. Ask the court clerk for information about legal services in your county to help you. Some counties have low cost or free legal assistance.

If you are a victim of domestic violence, the National Domestic Violence Hotline (1-800-799-7233) can give you a telephone number for the local domestic violence agency. Some domestic violence agencies offer legal assistance with restraining orders. If your case involves child support, the Family Law Facilitator will be able to help you with those issues. Ask the court clerk how to locate the Family Law Facilitator's office.

Please note that you can respond to a restraining order request even if you don't have a lawyer. Follow the steps in this instruction sheet and ask the court clerk if there are any special rules that you need to follow.

Whether or not you choose to consult an attorney, you should read these instructions and the other documents you have received.

Can I Respond to the *Application* for a Restraining Order?

If you wish to oppose the *Application for Order*, you should file a *Responsive Declaration to Order to Show Cause* (form FL-820). In addition to the response, you may file and serve declarations signed by persons who have personal knowledge of the facts.

If you want your own restraining order against the other person, you must file your own *Application for Restraining Order*.

If you are being abused, you can get help with your forms at a shelter for victims of abuse, a domestic violence advocacy center, or a victim-witness program. Call the National Domestic Violence Hotline at 1-800-799-7233 for a referral.

At least five days before the hearing, deliver a copy of the completed *Responsive Declaration to Order to Show Cause* by mail to the person seeking the order or her or his attorney and complete a *Proof of Service* by mail. Then file the original *Responsive Declaration to Order to Show Cause* along with the original *Proof of Service* with the court clerk.

**What Happens If I Do
Not Go to the Hearing?**

The court may grant the orders even if you don't go to the hearing. The orders may last up to three years. You must obey these orders even if you don't go to the hearing. If you need more information, you should try to get a lawyer or see the Family Law Facilitator.

**What Else Must I Do
Immediately?**

If the court ordered you to relinquish (turn in) your firearms, you must call your local law enforcement agency (police or sheriff) and make arrangements to turn in your firearms or you can sell them to a licensed gun dealer. If you relinquish your firearms to law enforcement, follow their directions to bring them any firearms and ammunition you possess and get a receipt when you turn them in. You can use their standard receipt or the *Proof of Surrender or Sale of Firearm* (form FL-895). You must file the receipt with the court.

**WHAT TO EXPECT AT THE RESTRAINING
ORDER HEARING**
(For person RESPONDING to application for Restraining Order)

Be Prepared to Present Your Case

- **Court hearings usually last 3 - 5 minutes.**
- Prepare any documentation that you plan to bring to court.
- Documentation might include police reports, medical reports, rental agreements, photos, rent receipts, bills, etc. The judge will decide what is admissible.
- If you think that the other person will lie in court, bring a witness to court who saw or heard the violence or saw any injuries. Because the hearing is so short, the judge may not allow witnesses to speak.
- Write down what orders you disagree with. Practice what you will present to the judge, keeping your time to 3 minutes. Bring in the paper with your notes to the hearing. Before the hearing ends, make sure you have responded to each request that you disagree with.

General Information About the Court Hearing.

- Please do not bring children to court.
- It is a good idea to get to court early; if you are late, the judge may rule on your case without you. If that happens, you may need to complete papers to ask for a change in the orders.
- Find the courtroom and tell the clerk or bailiff you are present.
- Be seated and wait until your case is called.
- When it is your turn and your name is called, go to the front of the courtroom.
- If you do not understand something, do not be afraid to say so.
- Do not interrupt the judge or the person asking for the orders.
- Refer to the paper you prepared in advance that lists the orders you object to.
- Speak only to the judge. Do not talk to the person asking for the orders except as needed to ask questions.
- If the person asking for the orders tells the judge things that are not true, you should tell the judge after the person is finished talking.

How to Handle Questions

- The judge or the person to be protected or his or her attorney may ask you questions; answer truthfully and slowly.
- If the person to be protected or any other person talks to the judge, you have the right to ask that person questions about what they say.

The Judge Makes the Decision

- When the hearing is over, the judge will say aloud which orders are granted.
- You should receive a copy of the *Restraining Order After Hearing* by mail or personal delivery. If you do not receive it shortly after the hearing date, contact the court clerk. Sometimes there are paperwork delays.
- If you see something in the *Restraining Order After Hearing* that you believe is different than what the judge ordered, contact an attorney immediately.

(Continued on page two)

Page one of two

The Judge Could Continue the Case

- The judge may tell you to come back for another hearing at a later date. This could happen if your hearing is taking longer than planned, if the judge doesn't have enough facts to decide and wants you to bring in more information, or if you ask for time to get a lawyer or prepare a response.
- The judge may extend the temporary orders so that they last until the next hearing.

If There Are Disputes About Child Custody and Visitation

- All child custody and visitation disputes are handled first through mediation with Family Court Services.
- The person asking for the orders can bring a support person with him or her to mediation. You may be required to meet separately with the mediator and attend mediation sessions separately from the other person.
- If your hearing is continued to another day to allow for mediation, the judge may continue the temporary orders until the next hearing date.

Steps After Court Hearing

- You must follow the orders. You could be arrested if you violate the orders.
- If you do not receive a copy of the *Restraining Order After Hearing*, contact the court clerk or an attorney.

INFORMATION ABOUT THE REISSUANCE OF ORDER TO SHOW CAUSE

When Is It Used?

When the judge needs to continue your case for any reason. For example,

- if you need time to meet with a Family Court Services mediator about child custody and visitation, or
- if you were not able to have the *Order to Show Cause* and *Temporary Restraining Order* served, or
- if the restrained person asks for time to get a lawyer or prepare a response.

What Are the Steps to Use It?

- Complete the form
- Ask the judge to sign the form and schedule a new hearing. File the form with the clerk. Once the form is signed and filed, your orders will last until the new hearing date.
- Make at least five copies of the *Application and Order for Reissuance of Order to Show Cause*. Some courts will make the copies for you.
- Attach the *Application and Order for Reissuance of Order to Show Cause* to the Order to Show Cause and other papers, and have them all served on the restrained person immediately.
- Also deliver an "Endorsed Filed" copy of this form to each law enforcement agency listed on the original order. The clerk can stamp the order "Endorsed Filed" for you.
- Bring all of your papers back to court at the next hearing.

CHECKLIST FOR RESTRAINING ORDER AFTER HEARING**CHOOSE THE GROUPS OF FORMS YOU NEED.**

- Complete the forms you select.
- Each form has a name and number on the bottom of the form. Make sure they match the forms from this list.

1. To get a **RESTRAINING ORDER AFTER HEARING**, choose both:

- ☐ *Restraining Order After Hearing* (form FL-830)
☐ *Instructions for Law Enforcement* (form FL-896)

AND

2. If you have **CHILDREN** with the restrained person, add the following form to your packet:

- ☐ *Child Custody and Visitation Order* (form 1296.31A)

AND

3. If you want **CHILD SUPPORT** for the children you have together with the restrained person, add the following forms to your packet:

- ☐ *Child Support Information and Order Attachment* (form 1296.31B)
☐ *Non-Guideline Child Support Findings Attachment* (form 1296.31B(1))
☐ *Child Support Case Registry Form* (form 1285.92)
☐ *Notice of Rights and Responsibilities* (form 1285.78)
☐ *Information Sheet on Changing a Child Support Order* (form 1285.79)

AND

4. If you want orders about **PROPERTY CONTROL, DEBT PAYMENT, RESTITUTION AND ATTORNEY FEES**, add the following form to your packet:

- ☐ *Domestic Violence Miscellaneous Orders Attachment* (form FL-835)

AND

5. If you want **SPOUSAL SUPPORT** orders, add the following form to your packet:

- ☐ *Spousal or Family Support Order Attachment* (form 1296.31C)

WHICH FINANCIAL FORM?

1. **FINANCIAL STATEMENT** (form 1285.52)

If your answer is YES to ANY of the following questions, you may NOT use the *Financial Statement* and you must use the *Income and Expense Declaration*:

- ☐ Do you receive money (income) from any source other than the following?
 - ☐ Welfare (such as AFDC, TANF, GR, or GA)
 - ☐ Salary or wages
 - ☐ Disability
 - ☐ Unemployment
 - ☐ Worker's Compensation
 - ☐ Social Security
 - ☐ Retirement
- ☐ Are you self-employed?
- ☐ Are you asking for spousal support (alimony) or a change in spousal support?
- ☐ Is the other party asking for spousal support (alimony) or a change in spousal support?
- ☐ Are you asking the other party to pay your attorney fees?
- ☐ Is the other party asking you to pay his or her attorney fees?

Note: Even if you are eligible to use the *Financial Statement* (Simplified), you may choose instead to use the *Income and Expense Declaration* (Form 1285.50).

2. **INCOME AND EXPENSE DECLARATION** (form 1285.50)

If you do not qualify to use the *Financial Statement*, you must complete the *Income and Expense Declaration*.

NAME OF ATTORNEY OR PERSON WITHOUT AN ATTORNEY:		FOR COURT USE ONLY
ADDRESS WHERE YOU WANT MAIL SENT:		
TELEPHONE NO. (Optional):	FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):	STATE BAR NUMBER:	
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PROTECTED PERSON:		
RESTRAINED PERSON:		
APPLICATION AND ORDER TO SHOW CAUSE FOR RENEWAL OF RESTRAINING ORDER Domestic Violence Prevention		CASE NUMBER:

1. The protected person requests that the court renew the *Restraining Order After Hearing* originally issued as follows:
 - a. Restraining Order was issued on (date):
 - b. Restraining Order expires on (date):
 - c. Restraining Order has been renewed previously (number of times):
2. The protected person requests renewal of the order because:
 - a. ☐ The restrained person has continued to abuse/harass the protected person since the original order was issued.
 - b. ☐ The protected person is still fearful of the restrained person.
 - c. ☐ Other (explain):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF PROTECTED PERSON)

(SIGNATURE OF PROTECTED PERSON)

ORDER

3. To (name of restrained person):
4. A court hearing has been set at the time and date shown in the box below. You may attend this hearing to give any legal reason why the orders as shown in item 1 above should not be extended. If you do not appear at this court hearing, the court may grant the requested extension permanently without further notice to you.

Date:	Time:	Dept.:	Rm.:
Name and address of court: <input type="checkbox"/> same as listed above <input type="checkbox"/> other (specify):			

5. ☐ **TIME FOR SERVICE OF ORDER AND RESPONSIVE PAPERS**
 - a. The protected person shall cause this *Order to Show Cause* and a copy of the *Restraining Order After Hearing* described in item 1 to be personally served on the restrained person by (date):
 - b. If the restrained person wants to respond, any responsive papers must be served on the protected person, and filed with the court by (date):

Date:

JUDGE OF THE SUPERIOR COURT

NAME OF ATTORNEY OR PERSON WITHOUT AN ATTORNEY: ADDRESS WHERE YOU WANT MAIL SENT: TELEPHONE NO. (Optional): FAX NO. (Optional): E-MAIL ADDRESS (Optional): STATE BAR NUMBER: ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PROTECTED PERSON: RESTRAINED PERSON:	
PROOF OF SURRENDER OR SALE OF FIREARMS (FAMILY CODE, § 6389)	CASE NUMBER:

Instructions to Law Enforcement Agency or licensed gun dealer: Select and complete the appropriate category below. See page two of form for licensed gun dealer receipt. Sign and date the form. Make a copy of the receipt for yourself and give the original to the party turning over the firearm(s). **Instruction to party surrendering firearm(s):** After this form is signed, make a copy for yourself and file the original with the Court.

a. ☐ **SURRENDER OF FIREARM(S) TO LAW ENFORCEMENT AGENCY.**

On (date): _____, at (time): _____ (a.m.) (p.m.), the restrained person listed above surrendered the following firearm(s) to (name of law enforcement agency): _____

Make

Model

: Serial #

1.

2.

3.

4.

5.

Date:

Printed Name & Title of Law Enforcement Representative

Signature of Law Enforcement Representative

CASE NAME:	CASE NUMBER:
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b. ☐ **SALE OF FIREARM(S) TO LICENSED GUN DEALER**

I am a licensed gun dealer, License Number: _____, address: _____, telephone number: _____. On (date): _____, at (time): _____ (a.m.) (p.m.), the restrained person listed on page one of this form sold the following firearm(s) to me:

	<u>Make</u>	<u>Model</u>	<u>Serial #</u>
1.			
2.			
3.			
4.			
5.			

I declare under penalty of perjury under the laws of the State of California that the above statement is true and correct.

Date:

_____	_____
Printed Name of Licensed Gun Dealer	Signature of licensed gun dealer

INSTRUCTIONS FOR LAW ENFORCEMENT ON ENFORCING DOMESTIC VIOLENCE RESTRAINING ORDERS (Forms FL-810, and FL-830)

1. EFFECTIVE DATE AND EXPIRATION DATE OF ORDERS.

- These orders are effective as of the date they were signed by a judicial officer.
- These orders expire on the date listed on the *Order To Show Cause* or *Order After Hearing*. If the order has attached to it an *Application and Order for Reissuance of Order to Show Cause*, the expiration date is listed on that form.
- If no expiration date is listed for the restraining orders, they expire three years from the date issued. Child custody, visitation and support orders, and property and other orders have different expiration dates and generally remain in effect until further court order.

2. ARREST REQUIRED ON VIOLATION OF ORDER.

If a peace officer responding to an alleged violation of this order has probable cause to believe that the restrained person had notice of the order and has violated the order, the officer **shall**, consistent with Penal Code Section 13701(b), make a lawful arrest of the restrained person (Penal Code, § 836(c)(1)).

3. ONLY RESTRAINED PERSON IS SUBJECT TO ARREST.

The orders remain in effect, regardless of the actions of the parties, and can be changed only by another court order (Penal Code Section 13710(b)). The orders remain in effect and must be enforced, even if the protected person invites or consents to contact from the restrained person. The protected person is not subject to arrest for inviting or consenting to contact by the restrained person.

4. PROOF OF SERVICE (Pen. Code, § 836(c)(2)).

The restrained person shall be deemed to have notice of the orders if (1) the officer is shown a copy of the *Proof of Service*, or (2) the officer confirms with appropriate authorities that a true copy of the *Proof of Service* is on file, or (3) the restrained person was present at the restraining order hearing, or (4) the restrained person was informed of the terms of the order by an officer pursuant to Family Code, § 6383.

5. CHILD CUSTODY AND VISITATION ORDERS.

- Custody and visitation orders are listed on pages titled *Child Custody and Visitation Order* (Form 1296.31A) and may also be written on additional pages, referenced in the orders. Custody and visitation orders may also be listed in other orders that are not part of the restraining order. Form FL-800A is not an order and must not be enforced.
- Law enforcement officers should try to determine which orders were most recently issued and enforce those. Law enforcement officers should try to return child(ren) to the party who has physical responsibility of the child(ren) pursuant to orders for "Physical custody" or "Visitation." "Legal custody" is irrelevant for that purpose.

6. ENFORCING THE RESTRAINING ORDER IN CALIFORNIA.

- The orders **shall** be enforced in California by any law enforcement agency that has received the orders or is shown a copy of the orders, or has verified their existence on the California Law Enforcement Telecommunications System (CLETS).
- Law enforcement **shall** determine whether the restrained person had notice of the orders. If notice cannot be verified, law enforcement **shall** advise the restrained person of the terms of the orders and, if the restrained person fails to comply, shall enforce it (Family Code, § 6383).

7. ENFORCING RESTRAINING ORDERS ACROSS STATE LINES.

Restraining orders from other states, the District of Columbia, the Commonwealth of Puerto Rico, tribal lands, military tribunals and U.S. territories shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the laws of that place or tribunal, and shall be enforced as if they were California orders. Such orders shall be presumed valid where the order appears authentic on its face (Family Code, § 6380.5(a)).

PETITIONER / PLAINTIFF:	CASE NUMBER:
RESPONDENT / DEFENDANT:	

SUPERVISED VISITATION ORDER
Attachment to *Child Custody and Visitation Order* (form 1296.31A)

1. Evidence has been presented in support of a request that the contact of ☐ Petitioner ☐ Respondent with the child(ren) be supervised based upon allegations of
- ☐ abduction of child(ren) ☐ physical abuse ☐ drug abuse ☐ neglect
☐ sexual abuse ☐ domestic violence ☐ alcohol abuse ☐ other (*specify*):
- ☐ Petitioner ☐ Respondent disputes these allegations and the court reserves the findings on these issues pending further investigation and hearing or trial.
2. The court finds, pursuant to Family Code section 3100, that the best interest of the child(ren) requires that visitation by ☐ Petitioner ☐ Respondent shall, until further order of the court, be limited to contact supervised by the person(s) set forth in item 6 below pending further investigation and hearing or trial.

THE COURT MAKES THE FOLLOWING ORDERS

3. CHILD(REN) TO BE SUPERVISED

<u>Child's name</u>	<u>Birth date</u>	<u>Age</u>	<u>Sex</u>
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4. TYPE

- a. ☐ Supervised visitation b. ☐ Supervised exchange only c. ☐ Therapeutic visitation

5. SUPERVISED VISITATION PROVIDER

- a. ☐ Professional (individual provider or supervised visitation center) b. ☐ Nonprofessional

6. AUTHORIZED PROVIDER

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
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☐ Any other mutually agreed-upon third party as arranged.

7. DURATION AND FREQUENCY OF VISITS (see form 1296.31A for specifics of visitation):

8. PAYMENT RESPONSIBILITY Petitioner: _____% Respondent: _____%

9. ☐ Petitioner will contact professional provider or supervised visitation center no later than (*date*):
☐ Respondent will contact professional provider or supervised visitation center no later than (*date*):

10. THE COURT FURTHER ORDERS

Date:

JUDICIAL OFFICER